

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Babak Habibi et al.  
Application No. : 10/634,874  
Filing Date : August 6, 2003  
For : METHOD AND APPARATUS FOR SINGLE IMAGE  
3D VISION GUIDED ROBOTICS

Docket No. : 170154.401C1  
Date : August 24, 2006

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RENEWED PETITION UNDER 37 CFR 1.137(b)

This Renewed Petition is filed in response to the Decision mailed August 2, 2006, dismissing Applicants' Petition Under 37 CFR 1.137(b).

The petition was dismissed because the Petitions Attorney asserts that the Petitioner has yet to satisfy the "statement/showing" requirement under 37 CFR 1.137(b). In the Petition for Revival dated June 7, 2006, Petitioner did provide the required statement that the entire delay in filing the required reply, from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b), was unintentional. However, because the Petitioner was not counsel of record at the time the application went abandoned, the Petitions Attorney has dismissed the petition, stating that "Petitioner is not in a position to make such a statement as to the nature of the delay."

Petitioner respectfully disagrees. Although Petitioner was not counsel of record when the application went abandoned on December 14, 2005, Petitioner had been acting in a representative capacity since February 24, 2005, as substantiated by the attached Declaration of Frank Abramonte. Consequently, Petitioner did have sufficient personal knowledge of the circumstances to make a statement as to the nature of the delay. Further, Petitioner based such statement on the underlying facts and circumstances as related to Petitioner by Babak Habibi, president of the assignee company Braintech Canada Inc., who has first hand personal knowledge of same.

Further, Petitioner signed the Amendment dated June 23, 2005. Under 37 CFR 1.34, such signature constitutes a representation to the United States Patent and Trademark Office that Petitioner is authorized to represent the Assignee in the instant application. Thus, under 37 CFR 1.33(b), Petitioner was authorized to sign the Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(B), based on Form PTO/SB/62, which contains a statement as to the unintentional nature of the delay.

Petitioner understands that the Petitions Attorney requires additional information as set out in 37 CFR 1.137(b)(3) because there is a question as to whether the delay was unintentional. In support of the Petition Under 37 CFR 1.137(b), Petitioner has provided herewith: 1) a Declaration from Babak Habibi, president of the assignee who has first hand personal knowledge of the facts and circumstances, along with supporting Exhibits; and 2) a Declaration from Petitioner, who has first hand personal knowledge of the facts and circumstances, along with supporting Exhibits.


In view of the foregoing, and in view of the attached Declarations and Exhibits, Petitioner respectfully requests revival of the instant application.

Because the petition fee as set forth in 37 CFR 1.17(m) was paid with the original filing of the Petition Under 37 CFR 1.137(b), Petitioner believes no additional fee is due by way of this Renewed Petition. However, the Director is authorized to charge any additional fees due by way of this Renewed Petition, or credit any overpayment, to our Deposit Account No. 19-1090.

Because a response to the outstanding Office Action was filed along with the original filing of the Petition Under 37 CFR 1.137(b), Petitioner believes a second copy of that response is not necessary in light of the Patent Office's clear direction not to file duplicate papers.

STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of this renewed petition under 37 CFR 1.137(b) was unintentional.

Respectfully submitted,  
Seed Intellectual Property Law Group PLLC

  
\_\_\_\_\_  
Frank Abramonte  
Registration No. 38,066

Enclosures:

Declaration of Babak Habibi in Support of Petition for Revival Under 1.137(b),  
with Exhibits A through F  
Declaration of Frank Abramonte in Support of Petition for Revival Under  
1.137(b), with Exhibits A through G

701 Fifth Avenue, Suite 6300  
Seattle, Washington 98104-7092  
Phone: (206) 622-4900  
Fax: (206) 682-6031

(FXA:lrw) 824547\_1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Babak Habibi et al.  
Application No. : 10/634,874  
Filed : August 6, 2003  
For : METHOD AND APPARATUS FOR SINGLE IMAGE 3D VISION  
GUIDED ROBOTICS  
Examiner : McDieunel Marc  
Art Unit : 3661  
Docket No. : 170154.401C1

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

DECLARATION OF FRANK ABRAMONTE IN SUPPORT OF  
PETITION FOR REVIVAL UNDER 1.137(b)

Commissioner for Patents:

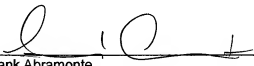
1. I am a patent attorney (Registration number 38,066) with the firm of Seed Intellectual Property Law Group PLLC, having a principal place of business at:  
701 Fifth Avenue  
Suite 6300  
Seattle, Washington 98104
2. I am personally aware of the facts recited in this declaration.
3. Braintech Canada Inc. (hereinafter Braintech) is assignee of U.S. patent application Serial No. 10/634,874, filed on August 6, 2003 (hereinafter the subject application).
4. On February 24, 2005, I received files transferred from Bruce M. Green (Registration No. 30,524) of Oyen Wiggs Green and Mutala, Intellectual Property Lawyers, including a file related to the subject application. Correspondence is attached as Exhibit A.
5. On March 14, 2005, I forwarded papers to Mr. Babak Habibi, president of Braintech related to the subject application, including papers entitled 1) Assignment, 2) Revocation Of Power Of Attorney With New Power Of Attorney And Change Of Correspondence Address, and 3) Statement Under 37 CFR 3.73(b). Correspondence is attached as Exhibit B.

6. On April 21, 2005, I received from Mr. Habibi a first Office Action on the subject application, which had been mailed on February 24, 2005 to Mr. Green. Correspondence is attached as Exhibit C.
7. On May 6, 2005, I received an email from Mr. Green forwarding a copy of the first Office Action mailed February 24, 2005.
8. On May 12, 2005, while I was visiting the Braintech facilities in North Vancouver, B.C., Canada, I brought papers related to the subject application for execution. Later that day, Mr. Habibi returned the papers to me.
9. On May 20, 2005, I sent an email to Mr. Habibi, informing him that three (3) of the papers he had handed me had not been executed. The email had the three (3) papers attached, entitled: 1) Assignment, 2) Revocation Of Power Of Attorney With New Power Of Attorney And Change Of Correspondence Address, and 3) Statement Under 37 CFR 3.73(b). The email requested that he execute the papers and return them in time for filing the Response to the first Office Action mailed February 24, 2005. Correspondence is attached as Exhibit D.
10. On June 23, 2005, I filed a Response to the first Office Action (mailed February 24, 2005) along with a supplemental Information Disclosure Statement and reported the filing to Mr. Habibi. Correspondence is attached as Exhibit E. At that time I did not have an executed copy of the Revocation Of Power Of Attorney With New Power Of Attorney And Change Of Correspondence Address, or Statement Under 37 CFR 3.73(b).
11. On June 6, 2006, I checked the status of the subject application, and noted that the subject application had gone abandoned on December 14, 2005, for failure to timely reply to a second Office Action that was mailed September 14, 2005, to Mr. Green, prior counsel for Braintech. I immediately informed Mr. Habibi of the abandonment and discussed the events that lead to the abandonment. Mr. Habibi assured me that the abandonment was unintentional. Mr. Habibi instructed me to take appropriate action to revive the subject application.
12. To date, I have not received any correspondence or telephone calls from Mr. Green or his firm regarding the second Office Action mailed September 14, 2005.
13. On June 6, 2006, I began preparing a Response to the second Office Action mailed September 14, 2005, and a petition to revive the subject application.

14. On June 7, 2006, I forwarded to Edward White of Braintech for signature another copy of the Revocation Of Power Of Attorney With New Power Of Attorney And Change Of Correspondence Address and Statement Under 37 CFR 3.73(b) and requested immediate execution and return of the same. Correspondence is attached as Exhibit F.
15. On June 7, 2006, I received the executed Revocation Of Power Of Attorney With New Power Of Attorney And Change Of Correspondence Address and Statement Under 37 CFR 3.73(b) from Braintech.
16. On June 7, 2006, I filed the Petition to Revive in the U.S. Patent Office along with the appropriate fee, the executed Revocation Of Power Of Attorney With New Power Of Attorney And Change Of Correspondence Address, the executed Statement Under 37 CFR 3.73(b), and a Response to the second Office Action mailed September 14, 2005.
17. On June 7, 2006, I reported to Mr. Habibi the filing of the Petition to Revive for Unintentional Abandonment along with the executed Revocation of Power of Attorney with New Power of Attorney and Change of Correspondence Address form, the Statement Under 37 CFR 3.73(b), and the Response to the second Office Action mailed on September 14, 2005. Correspondence is attached as Exhibit G.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that the making of willfully false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

EXECUTED this 24<sup>th</sup> day of AUGUST, 2006.

  
\_\_\_\_\_  
Frank Abramonte  
Registration No. 38,066

701 Fifth Avenue, Suite 6300  
Seattle, Washington 98104-7092  
Phone: (206) 622-4900  
Fax: (206) 682-6031  
(FXA:lrw) 821948\_1

# OYEN WIGGS GREEN & MUTALA LLP

INTELLECTUAL PROPERTY LAWYERS

REGISTERED PATENT AND TRADEMARK AGENTS

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FAX: (604) 681-4081

bgreen@patentable.com  
www.patentable.com

Gerald G.S. Oyen\*  
Bruce M. Green\*  
David J. McGruider\*  
Gavin N. Manning\*  
Hilton W. C. Sae  
Richard A. Johnson  
Grace S. Law  
David H. Takagawa

Blake R. Wiggs\*  
Catherine D. Mutala\*  
Thomas W. Bailey\*  
George F. Kondor  
Craig A. Ash  
Todd A. Ratliff  
Mark A. Hopkinson

\*Law Corporation

22 February, 2005

*By Courier*

Frank Abramonte, Esq.  
Seed IP Law Group PLLC  
701 Fifth Avenue, Suite 6300  
Seattle WA 98104  
U.S.A.

RECEIVED

FEB 24 2005

Dear Mr. Abramonte:

SEED INTELLECTUAL PROPERTY  
LAW GROUP PLLC

Re: BrainTech Canada, Inc.  
Our File: B445

As requested by Babak Habibi, enclosed are copies of all Patent and Trademark files which we have been handling for BrainTech Canada, Inc. Also attached is a report of active files, their current status, and the corresponding deadlines.

Yours truly,



Bruce M. Green  
BMG/cnr  
Enclosures

cc: Mr. Babak Habibi  
BrainTech Canada, Inc.

**Laura Workman**

---

**From:** Laura Workman  
**Sent:** Monday, March 14, 2005 3:26 PM  
**To:** 'dtodd@braintech.com'  
**Subject:** FW: Assignments and Power of Attorney Documents for Signature

Dear Mr. Todd,

Attached for signature are the documents necessary to change the correspondence address in the U.S. Patent and Trademark Office. Please execute the documents and return them to us for filing.

PLEASE NOTE: The Power of Attorney and Statement documents should be executed *after* the latest date on the assignment documents.



401 Statement and 401C1 Assignment, 402P1 Assignment,  
Fee Address ... Revocation a... Revocation a...

Best regards,

*Laura Rae Workman*

*Legal Assistant to Frank Abramonte*

**SEED Intellectual Property Law Group PLLC**

701 Fifth Avenue, Suite 6300

Seattle, Washington 98104-7092 USA

Facsimile: (206) 682-6031

Telephone: (206) 622-4900 ext. 248

LauraW@SeedIP.com



Exhibit C

**Frank Abramonte**

---

**From:** Babak Habibi [bhabibi@braintech.com]  
**Sent:** Thursday, April 21, 2005 12:07 PM  
**To:** Frank Abramonte  
**Subject:** FW: Braintech  
**Importance:** High

Frank, this seems like a very important piece of correspondence from the PTO on the CIP application. At this point I am unsure whether Oyen Wiggs has responded to this letter. Please examine and let me know what actions we should take.

Best Regards,

**Babak Habibi**  
**Braintech Inc.**  
www.braintech.com  
604-988-6440 (t)

---

**From:** Owen Jones  
**Sent:** Thursday, April 21, 2005 11:51 AM  
**To:** Babak Habibi  
**Subject:** FW: Braintech

---

**From:** Vince Taylor  
**Sent:** Thursday, April 21, 2005 10:08 AM  
**To:** Owen Jones  
**Subject:** FW: Braintech

Hi....any thoughts on an answer?

---

**From:** Gunderson, Mark H NAVSEA [mailto:mark.gunderson@navy.mil]  
**Sent:** Tuesday, April 19, 2005 10:50 AM  
**To:** vince taylor  
**Subject:** Braintech

Hey Vince,

How are things going at Braintech? I noticed there is a non-final rejection on the extension of the first patent. Is this a concern? Thanks.

Regards,

Mark Gunderson

8/15/2006

Crane Division, Naval Surface Warfare Center (NSWC Crane)

Harnessing the Power of Technology for the Warfighter

Code 80221, Bldg. 3330C

Crane, IN 47522-5001

Ph: 812-854-6335

Fax: 812-854-4687

Email: Mark.Gunderson@navy.mil

<<Reject.pdf>>

**Laura Workman**

---

**From:** Frank Abramonte  
**Sent:** Friday, May 20, 2005 3:43 PM  
**To:** 'bhabibi@braintech.com'  
**Subject:** FW: Formal Docs to Client

Babak,

(5/12/06)  
You must have missed signing these in the pile of papers I gave you last Thursday. Please execute and return the attached by Tuesday morning, if possible.

I have new claims for the continuation-in-part, but am reconsidering the strategy in light of my detail review of the application.

-Frank



Assignment.DOC



Revocation.DOC



Statement Under  
3.73(b).DOC

Seed<sup>IP</sup>

June 23, 2005

Frank Abramonte  
FrankA@SeedIP.com

Mr. Babak Habibi, President  
Braintech Canada Inc.  
102 & 104b - 930 West 1st Street  
North Vancouver, BC V7P 3N4  
CANADA

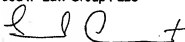
Re: U.S. Patent Application No. 10/634,874  
METHOD AND APPARATUS FOR SINGLE IMAGE 3D VISION GUIDED  
ROBOTICS  
Seed IP Ref: 170154.401C1

Dear Mr. Habibi:

Enclosed for your records, please find the Amendment and Supplemental Information  
Disclosure Statement that were filed today in the U.S. Patent and Trademark Office.

We will continue to keep you informed of the progress of this application.

Very truly yours,  
Seed IP Law Group PLLC



Frank Abramonte

Enclosures:  
Amendment, with transmittal documents  
Supplemental Information Disclosure Statement

604264\_1

Seed Intellectual Property Law Group PLLC

address 701 Fifth Avenue  
Suite 6300  
Seattle, WA 98104  
phone 206.622.4900  
email 206.692.6031  
website SeedIP.com

\*\*\*\*\*  
\*\* TX REPORT \*\*  
\*\*\*\*\*

Exhibit F

TRANSMISSION OK

TX/RX NO  
CONNECTION TEL  
CONNECTION ID  
ST. TIME  
USAGE T  
PGS. SENT  
RESULT

2991

#53916049866131

06/07 12:43

00:26

OK

Seed<sup>LP</sup>

June 7, 2006

Laura Workman  
LauraW@SeedIP.com

Facsimile Transmission

To: Edward White, C.A.

Fax No.: 604.988.6131

Phone No.: 604.988.6441 ext. 205

U.S. Patent Application No. 10/634,874  
Re: METHOD AND APPARATUS FOR SINGLE IMAGE 3D VISION  
GUIDED ROBOTICS

Your Ref.:

Seed IP Ref.: 170154.401c1

No. of Pages: 2 (including this page)

If you do not receive all pages, please call Laura Workman at (206) 622-4900 or fax our office.

☒ Urgent

☐ For Review

☐ Please Confirm  
Receipt

☒ Please Reply  
ASAP

Comments:

Dear Mr. White;

Thank you for the signed Revocation of Power of Attorney. As you noted, I previously attached a Fee Transmittal rather than the Statement Under 37 CFR 3.73(b). I apologize for the inconvenience.

Seed Intellectual Property Law Group PLLC

address 701 Fifth Avenue  
Suite 6300  
Seattle, WA 98104  
telephone 206.622.4900  
facsimile 206.682.6031  
website SeedIP.com

Seed<sup>IP</sup>

June 7, 2006

Laura Workman  
LauraW@SeedIP.com

Facsimile Transmission

To: Edward White, C.A.

Fax No.: 604.986.6131

Phone No.: 604.988.6441 ext. 205

U.S. Patent Application No. 10/634,874  
Re: METHOD AND APPARATUS FOR SINGLE IMAGE 3D VISION  
GUIDED ROBOTICS

Your Ref.:

Seed IP Ref.: 170154.401c1

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☒ Urgent

☐ For Review

☐ Please Confirm  
Receipt

☒ Please Reply  
ASAP

Comments:

Dear Mr. White;

Thank you for the signed Revocation of Power of Attorney. As you noted, I previously attached a Fee Transmittal rather than the Statement Under 37 CFR 3.73(b). I apologize for the inconvenience.

Attached please find the Statement Under 37 CFR 3.73(b) for signature. Please sign and return it to us by facsimile without delay.

Transmission Information:

Date: 6/7/06

Time: 12:43

By: Crystal L.

CONFIDENTIALITY NOTICE:

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792115\_1

Seed Intellectual Property Law Group PLLC

address 701 Fifth Avenue  
Suite 6300  
Seattle, WA 98104  
telephone 206.422.4900  
facsimile 206.481.6031  
website SeedIP.com

\*\*\*\*\*  
\*\*\* TX REPORT \*\*\*  
\*\*\*\*\*

TRANSMISSION OK

TX/RX NO	3112	
CONNECTION TEL		#93416049866131
CONNECTION ID		
ST. TIME	06/07 12:03	
USAGE T	00'52	
PGS. SENT	3	
RESULT	OK	

Seed<sup>IP</sup>

June 7, 2006

Frank Abramonte  
FrankA@SeedIP.com

## Facsimile Transmission

To: Edward White, C.A.

Fax No.: 604.986.6131

Phone No.: 604.988.6441 ext. 205

U.S. Patent Application No. 10/634,874

Re: METHOD AND APPARATUS FOR SINGLE IMAGE 3D VISION  
GUIDED ROBOTICS

Your Ref.:

Seed IP Ref.: 170154.401c1

No. of Pages: 3 (including this page)

If you do not receive all pages, please call Laura Workman at (206) 622-4900 or fax our office.

☒ Urgent

☐ For Review

☐ Please Confirm  
Receipt

☒ Please Reply  
ASAP

### Comments:

Dear Mr. White;

Please sign the attached Revocation of Power of Attorney and Statement Under 37 CFR 3.73(b), and return them to us by facsimile without delay.

Seed Intellectual Property Law Group PLLC

address 701 Fifth Avenue  
Suite 6300  
Seattle, WA 98104  
telephone 206.422.4900  
facsimile 206.402.6031  
website SeedIP.com

June 7, 2006

Frank Abramonte  
FrankA@SeedIP.com

## Facsimile Transmission

---

**To:** Edward White, C.A.**Fax No.:** 604.986.6131**Phone No.:** 604.988.6441 ext. 205

---

**U.S. Patent Application No. 10/634,874****Re: METHOD AND APPARATUS FOR SINGLE IMAGE 3D VISION  
GUIDED ROBOTICS**

---

**Your Ref.:****Seed IP Ref.:** 170154.401c1

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**No. of Pages:** 3 (including this page)If you do not receive all pages, please call Laura Workman at (206) 622-4900 or fax our office.☒ Urgent☐ For Review☐ Please Confirm  
Receipt☒ Please Reply  
ASAP

---

**Comments:**

Dear Mr. White;

Please sign the attached Revocation of Power of Attorney and Statement Under 37 CFR 3.73(b), and return them to us by facsimile without delay.

Please let us know if you have any questions.

---

**Transmission Information:****Date:****Time:****By:**

---

**CONFIDENTIALITY NOTICE:**

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792115\_1



<b>REVOCATION OF POWER OF ATTORNEY WITH NEW POWER OF ATTORNEY AND CHANGE OF CORRESPONDENCE ADDRESS</b>	Application Number	10/634,874
	Filing Date	August 6, 2003
	First Named Inventor	Babak Habib
	Art Unit	3661
	Examiner Name	McDleunel Marc
	Attorney Docket Number	170154.401C1

I hereby revoke all previous powers of attorney given in the above-identified application.

☐ A Power of Attorney is submitted herewith.

OR

☒ I hereby appoint the practitioners at Seed IP Law Group PLLC, Customer Number: **00500**

☒ Please change the correspondence address for the above-identified application to:

☒ The address associated with Customer Number **00500**

OR

<input type="checkbox"/> Firm or Individual Name				
Address				
City		State		Zip
Country				
Telephone		Email		

I am the:

☐ Applicant/Inventor.

☒ Assignee of record of the entire interest. See 37 CFR 3.71.  
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/86)

☒ As assignee of record of the entire interest I/we hereby elect, under 37 CFR 3.71,  
to prosecute the application to the exclusion of the inventor(s).

**SIGNATURE of Applicant or Assignee of Record**

Signature		Date	
Name	Edward White, C.A.		
Title and Company (Assignee)	Secretary Braintech Canada, Inc.		

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☒ \*Total of 1 forms are submitted.

**STATEMENT UNDER 37 CFR 3.73(b)**Applicant/Patent Owner: Babak Habibi et al.Application No./Patent No.: 10/634,874 Filed/Issue Date: August 6, 2003Entitled: METHOD AND APPARATUS FOR SINGLE IMAGE 3D VISION GUIDED  
ROBOTICSBraintech Canada, Inc.

(Name of Assignee)

a

corporation(Type of Assignee, e.g., corporation, partnership,  
university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.  
The extent (by percentage) of its ownership interest is \_\_\_\_\_%

in the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above.  
The assignment was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or a true copy of the original assignment is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the  
current assignee as follows:

1. From: \_\_\_\_\_ To: \_\_\_\_\_

The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

2. From: \_\_\_\_\_ To: \_\_\_\_\_

The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

3. From: \_\_\_\_\_ To: \_\_\_\_\_

The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

- ☐ Additional documents in the chain of title are listed on a supplemental sheet.

- ☒ As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the  
original owner to the assignee was, or concurrently is being, submitted for recordation  
pursuant to 37 CFR 3.11.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment  
Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP  
302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Signature

Date

Edward White, C.A.Secretary

Typed or printed name

Title

joo

**Laura Workman**

---

**From:** Frank Abramonte  
**Sent:** Wednesday, June 07, 2006 5:31 PM  
**To:** 'bhabibi@braintech.com'  
**Cc:** Laura Workman  
**Subject:** Petition to Revive and Response to Office Action

U.S. Application No. 10/634,874  
METHOD AND APPARATUS FOR SINGLE IMAGE 3D VISION GUIDED ROBOTICS  
Seed IP Ref: 170154.401C1

Dear Babak:

Attached for your records is a copy of the Petition to Revive and Response to Office Action that were filed today in the USPTO with regard to the application identified above. Please note that we also submitted a Revocation of Power of Attorney With New Power of Attorney and Change of Correspondence Address with this filing. Please let me know if you have any questions.

Best regards,

-Frank



Petition to Revive\_  
Response t...

08/18/2006 FRI 16:57 FAX 604 986 6131 Braintech Inc

002/005

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Babak Habibi et al.  
Application No. : 10/634,874  
Filed : August 6, 2003  
For : METHOD AND APPARATUS FOR SINGLE IMAGE 3D VISION  
GUIDED ROBOTICS

Examiner : McDieunel Marc  
Art Unit : 3661  
Docket No. : 170154.401C1

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

DECLARATION OF BABAK HABIBI IN SUPPORT OF  
PETITION FOR REVIVAL UNDER 1.137(b)

Commissioner for Patents:

1. I am president of Braintech Canada Inc. (hereinafter Braintech) having a principal place of business at:  
102 - 930 West 1st Street  
North Vancouver, British Columbia, Canada  
V7P 3N4
2. Braintech is assignee of U.S. patent application Serial No. 10/634,874 filed on August 6, 2003 (hereinafter the subject application).
3. I am personally aware of the facts recited herein.
4. Our counsel at the time of filing the subject application was Bruce M. Green (Registration No. 30,524) of Oyen Wiggs Green and Mutala, Intellectual Property Lawyers, with an address of:

08/18/2008 FRI 16:58 FAX 604 986 6131 Braintech Inc

003/005

480 The Station  
601 West Cordova Street  
Vancouver, British Columbia, Canada  
V6B1G1

5. On February 17, 2005, I instructed Mr. Green to transfer all our files to Frank Abramonte (Registration number 38,066).
6. On March 14, 2005, I received papers from Mr. Abramonte related to the subject application, including papers entitled 1) Assignment, 2) Revocation Of Power Of Attorney With New Power Of Attorney And Change Of Correspondence Address, and 3) Statement Under 37 CFR 3.73(b). Correspondence attached as Exhibit A.
7. I unintentionally failed to return the Revocation Of Power Of Attorney With New Power Of Attorney And Change Of Correspondence Address to Mr. Abramonte.
8. On April 21, 2005, I forwarded to Mr. Abramonte a first Office Action, which I received from Mr. Gunderson, an acquaintance, via Owen Jones of Braintech. Correspondence is attached as Exhibit B.
9. On May 12, 2005, Mr. Abramonte was visiting the Braintech facilities in North Vancouver, Canada. Mr. Abramonte handed me a number of documents for execution. Before Mr. Abramonte and I parted, I handed to Mr. Abramonte the papers I had previously received related to the subject application.
10. On May 20, 2005, I received an email from Mr. Abramonte, informing me that three (3) of the papers I had handed Mr. Abramonte on May 12, 2005, had not been executed. The email had the three (3) papers attached, entitled: 1) Assignment, 2) Revocation Of Power Of Attorney With New Power Of Attorney And Change Of Correspondence Address, and 3) Statement Under 37 CFR 3.73(b). The email requested that I return the executed papers. Correspondence is attached as Exhibit C.
11. On June 1, 2005, I returned to the office after a business trip and an illness.
12. I inadvertently failed to return the Revocation Of Power Of Attorney With New Power Of Attorney And Change Of Correspondence Address and Statement Under 37 CFR 3.73(b) to Mr. Abramonte.

08/18/2006 FRI 16:58 FAX 604 986 6131 Braintech Inc

004/005

13. On June 23, 2005, Mr. Abramonte reported to me that a Response to the first Office Action had been filed that day. Correspondence is attached as Exhibit D.
14. The application went abandoned on December 14, 2005 for failure to respond to a second Office Action dated September 14, 2005.
15. On June 6, 2006, Mr. Abramonte informed me by telephone of the abandonment of the subject application. Mr. Abramonte was the first to inform Braintech of the abandonment. Mr. Abramonte explained that according to the U.S. Patent Office records, a second Office Action on the subject application issued and was sent on September 14, 2005, to Mr. Green, our prior counsel. To this date, we have not received any correspondence from Mr. Green or his firm indicating that the second Office Action had issued or that there was any outstanding action or associated deadline with respect to the subject application.
16. On June 6, 2006, I explained to Mr. Abramonte that we had not received any indication of the outstanding Office Action or deadline from prior counsel, and had no intention of allowing the subject application to go abandoned. I instructed Mr. Abramonte to take appropriate action.
17. On June 7, 2006, Mr. Abramonte forwarded another copy of the Revocation Of Power Of Attorney With New Power Of Attorney And Change Of Correspondence Address and Statement Under 37 CFR 3.73(b) to Edward White of Braintech, and requested that the documents be executed and returned immediately. Correspondence is attached as Exhibit E.
18. On June 7, 2006, we returned executed copies of the Revocation Of Power Of Attorney With New Power Of Attorney And Change Of Correspondence Address and Statement Under 37 CFR 3.73(b) to Mr. Abramonte.
19. On June 7, 2006, Mr. Abramonte reported to me the filing of papers entitled: 1) Petition to Revive for Unintentional Abandonment, 2) Revocation Of Power Of Attorney With New Power Of Attorney And Change Of Correspondence Address, and 3) Response to the Office Action mailed on September 14, 2005. Correspondence attached as Exhibit F.

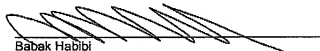
08/18/2006 FRI 16:58 FAX 604 986 6131 Braintech Inc

005/005

20. On August 15, 2006, Mr. Abramonte reported to me the Decision dated August 2, 2006, dismissing our Petition to Revoke.
21. At no time did we ever intend to allow the subject application to go abandoned.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that the making of willfully false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

EXECUTED this 18th day of August, 2006.

  
Babek Habibi

701 Fifth Avenue, Suite 6300  
Seattle, Washington 98104-7092  
Phone: (206) 622-4900  
Fax: (206) 682-6031

(FAX/inv) 821102\_2

**Laura Workman**

---

**From:** Laura Workman  
**Sent:** Monday, March 14, 2005 3:26 PM  
**To:** 'dtodd@braintech.com'  
**Subject:** FW: Assignments and Power of Attorney Documents for Signature

Dear Mr. Todd,

Attached for signature are the documents necessary to change the correspondence address in the U.S. Patent and Trademark Office. Please execute the documents and return them to us for filing.

PLEASE NOTE: The Power of Attorney and Statement documents should be executed *after* the latest date on the assignment documents.



401 Statement and 401C1 Assignment, 402P1 Assignment,  
Fee Address ... Revocation a... Revocation a...

Best regards,

*Laura Rae Workman*

*Legal Assistant to Frank Abramonte*

**SEED Intellectual Property Law Group PLLC**

701 Fifth Avenue, Suite 6300

Seattle, Washington 98104-7092 USA

Facsimile: (206) 682-6031

Telephone: (206) 622-4900 ext. 248

LauraW@SeedIP.com



Exhibit B

**Frank Abramonte**

---

**From:** Babak Habibi [bhabibi@braintech.com]  
**Sent:** Thursday, April 21, 2005 12:07 PM  
**To:** Frank Abramonte  
**Subject:** FW: Braintech  
**Importance:** High

Frank, this seems like a very important piece of correspondence from the PTO on the CIP application. At this point I am unsure whether Oyen Wiggs has responded to this letter. Please examine and let me know what actions we should take.

Best Regards,

**Babak Habibi**  
**Braintech Inc.**

www.braintech.com  
604-988-6440 (t)

---

**From:** Owen Jones  
**Sent:** Thursday, April 21, 2005 11:51 AM  
**To:** Babak Habibi  
**Subject:** FW: Braintech

---

**From:** Vince Taylor  
**Sent:** Thursday, April 21, 2005 10:08 AM  
**To:** Owen Jones  
**Subject:** FW: Braintech

Hi....any thoughts on an answer?

---

**From:** Gunderson, Mark H NAVSEA [mailto:mark.gunderson@navy.mil]  
**Sent:** Tuesday, April 19, 2005 10:50 AM  
**To:** vince taylor  
**Subject:** Braintech

Hey Vince,

How are things going at Braintech? I noticed there is a non-final rejection on the extension of the first patent. Is this a concern? Thanks.

Regards,

Mark Gunderson

8/15/2006

Crane Division, Naval Surface Warfare Center (NSWC Crane)

Harnessing the Power of Technology for the Warfighter

Code 80221, Bldg. 3330C

Crane, IN 47522-5001

Ph: 812-854-6335

Fax: 812-854-4687

Email: Mark.Gunderson@navy.mil

<<Reject.pdf>>

**Laura Workman**

---

**From:** Frank Abramonte  
**Sent:** Friday, May 20, 2005 3:43 PM  
**To:** 'bhabibi@braintech.com'  
**Subject:** FW: Formal Docs to Client

Babak,

(5/12/06)  
You must have missed signing these in the pile of papers I gave you last Thursday. Please execute and return the attached by Tuesday morning, if possible.

I have new claims for the continuation-in-part, but am reconsidering the strategy in light of my detail review of the application.

-Frank



Assignment.DOC



Revocation.DOC



Statement Under  
3.73(b).DOC

Seed<sup>IP</sup>

June 23, 2005

Frank Abramonte  
FrankA@SeedIP.com

Mr. Babak Habibi, President  
Braintech Canada Inc.  
102 & 104b - 930 West 1st Street  
North Vancouver, BC V7P 3N4  
CANADA

Re: U.S. Patent Application No. 10/634,874  
METHOD AND APPARATUS FOR SINGLE IMAGE 3D VISION GUIDED  
ROBOTICS  
Seed IP Ref: 170154.401C1

Dear Mr. Habibi:

Enclosed for your records, please find the Amendment and Supplemental Information Disclosure Statement that were filed today in the U.S. Patent and Trademark Office.

We will continue to keep you informed of the progress of this application.

Very truly yours,  
Seed IP Law Group PLLC



Frank Abramonte

Enclosures:  
Amendment, with transmittal documents  
Supplemental Information Disclosure Statement

604264\_1

Seed Intellectual Property Law Group PLLC

address 701 Fifth Avenue  
Suite 6300  
Seattle, WA 98104  
telephone 206.422.4900  
telex 206.682.6031  
website SeedIP.com

\*\*\*\*\*  
\*\*\* TX REPORT \*\*\*  
\*\*\*\*\*

Exhibit E

TRANSMISSION OK

TX/RX NO  
CONNECTION TEL  
CONNECTION ID  
ST. TIME  
USAGE T  
PGS. SENT  
RESULT

2991

#53916049866131

06/07 12:43

00'26

OK

CL

Seed<sup>IP</sup>

June 7, 2006

Laura Workman  
LauraW@SeedIP.com

## Facsimile Transmission

To: Edward White, C.A.

Fax No.: 604.986.6131

Phone No.: 604.988.6441 ext. 205

U.S. Patent Application No. 10/634,874  
Re: METHOD AND APPARATUS FOR SINGLE IMAGE 3D VISION  
GUIDED ROBOTICS

Your Ref.:

Seed IP Ref.: 170154.401c1

No. of Pages: 2 (including this page)

If you do not receive all pages, please call Laura Workman at (206) 622-4900 or fax our office.

☒ Urgent

☐ For Review

☐ Please Confirm  
Receipt

☒ Please Reply  
ASAP

### Comments:

Dear Mr. White;

Thank you for the signed Revocation of Power of Attorney. As you noted, I previously attached a Fee Transmittal rather than the Statement Under 37 CFR 3.73(b). I apologize for the inconvenience.

Seed Intellectual Property Law Group PLLC

address 701 Fifth Avenue  
Suite 6300  
Seattle, WA 98104

telephone 206.622.4900  
facsimile 206.682.6031  
website SeedIP.com

Seed<sup>IP</sup>

June 7, 2006

Laura Workman  
LauraW@SeedIP.com

## Facsimile Transmission

To: Edward White, C.A.

Fax No.: 604.986.6131

Phone No.: 604.988.6441 ext. 205

U.S. Patent Application No. 10/634,874

Re: METHOD AND APPARATUS FOR SINGLE IMAGE 3D VISION  
GUIDED ROBOTICS

Your Ref.:

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If you do not receive all pages, please call Laura Workman at (206) 622-4900 or fax our office.

☒ Urgent

☐ For Review

☐ Please Confirm  
Receipt

☒ Please Reply  
ASAP

### Comments:

Dear Mr. White;

Thank you for the signed Revocation of Power of Attorney. As you noted, I previously attached a Fee Transmittal rather than the Statement Under 37 CFR 3.73(b). I apologize for the inconvenience.

Attached please find the Statement Under 37 CFR 3.73(b) for signature. Please sign and return it to us by facsimile without delay.

### Transmission Information:

Date: 6/7/06

Time: 12:43

By: Crystal L.

### CONFIDENTIALITY NOTICE:

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792115\_1

Seed Intellectual Property Law Group PLLC

address 701 Fifth Avenue  
Suite 6300  
Seattle, WA 98104  
telephone 206.421.4900  
facsimile 206.482.6031  
website SeedIP.com



June 7, 2006

Frank Abramonte  
FrankA@SeedIP.com

## Facsimile Transmission

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**To:** Edward White, C.A.**Fax No.:** 604.986.6131**Phone No.:** 604.988.6441 ext. 205

---

**U.S. Patent Application No. 10/634,874****Re: METHOD AND APPARATUS FOR SINGLE IMAGE 3D VISION  
GUIDED ROBOTICS**

---

**Your Ref.:****Seed IP Ref.:** 170154.401c1

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**No. of Pages:** 3 (including this page)If you do not receive all pages, please call Laura Workman at (206) 622-4900 or fax our office.☒ Urgent☐ For Review☐ Please Confirm  
Receipt☒ Please Reply  
ASAP

---

**Comments:**

Dear Mr. White;

Please sign the attached Revocation of Power of Attorney and Statement Under 37 CFR 3.73(b), and return them to us by facsimile without delay.

Please let us know if you have any questions.

---

**Transmission Information:****Date:****Time:****By:**

---

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792115\_1



<b>REVOCATION OF POWER OF ATTORNEY WITH NEW POWER OF ATTORNEY AND CHANGE OF CORRESPONDENCE ADDRESS</b>	Application Number	10/634,874
	Filing Date	August 6, 2003
	First Named Inventor	Babak Habibi
	Art Unit	3661
	Examiner Name	McDleuneil Marc
	Attorney Docket Number	170154.401C1

I hereby revoke all previous powers of attorney given in the above-identified application.

☐ A Power of Attorney is submitted herewith.

OR

☒ I hereby appoint the practitioners at Seed IP Law Group PLLC, Customer Number: **00500**

☒ Please change the correspondence address for the above-identified application to:

☒ The address associated with Customer Number **00500**

OR

<input type="checkbox"/> Firm or Individual Name			
Address			
City		State	Zip
Country			
Telephone		Email	

I am the:

☐ Applicant/inventor.

☒ Assignee of record of the entire interest. See 37 CFR 3.71.  
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

☒ As assignee of record of the entire interest I/we hereby elect, under 37 CFR 3.71,  
to prosecute the application to the exclusion of the inventor(s).

**SIGNATURE of Applicant or Assignee of Record**

Signature		Date	
Name	Edward White, C.A.		
Title and Company (Assignee)	Secretary Braintech Canada, Inc.		
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.			
<input checked="" type="checkbox"/> *Total of 1 forms are submitted.			

SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

792097\_1

ian

**STATEMENT UNDER 37 CFR 3.73(b)**Applicant/Patent Owner: Babak Habibi et al.Application No./Patent No.: 10/634,874 Filed/Issue Date: August 6, 2003Entitled: METHOD AND APPARATUS FOR SINGLE IMAGE 3D VISION GUIDED  
ROBOTICS

Braintech Canada, Inc. a corporation  
 (Name of Assignee) (Type of Assignee, e.g., corporation, partnership,  
 university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or  
 2. ☐ an assignee of less than the entire right, title and interest.  
 The extent (by percentage) of its ownership interest is \_\_\_\_%

In the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above.  
 The assignment was recorded in the United States Patent and Trademark Office at  
 Reel \_\_\_\_, Frame \_\_\_\_, or a true copy of the original assignment is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the  
 current assignee as follows:

1. From: \_\_\_\_\_ To: \_\_\_\_\_

The document was recorded in the United States Patent and Trademark Office at  
 Reel \_\_\_\_, Frame \_\_\_\_, or for which a copy thereof is attached.

2. From: \_\_\_\_\_ To: \_\_\_\_\_

The document was recorded in the United States Patent and Trademark Office at  
 Reel \_\_\_\_, Frame \_\_\_\_, or for which a copy thereof is attached.

3. From: \_\_\_\_\_ To: \_\_\_\_\_

The document was recorded in the United States Patent and Trademark Office at  
 Reel \_\_\_\_, Frame \_\_\_\_, or for which a copy thereof is attached.

- ☐ Additional documents in the chain of title are listed on a supplemental sheet.

- ☒ As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the  
 original owner to the assignee was, or concurrently is being, submitted for recordation  
 pursuant to 37 CFR 3.11.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment  
 Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP  
 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

\_\_\_\_\_  
Signature\_\_\_\_\_  
Date

Edward White, C.A.  
 \_\_\_\_\_  
 Typed or printed name

Secretary  
 \_\_\_\_\_  
 Title

700

**Laura Workman**

---

**From:** Frank Abramonte  
**Sent:** Wednesday, June 07, 2006 5:31 PM  
**To:** 'bhabibi@braintech.com'  
**Cc:** Laura Workman  
**Subject:** Petition to Revive and Response to Office Action

U.S. Application No. 10/634,874  
METHOD AND APPARATUS FOR SINGLE IMAGE 3D VISION GUIDED ROBOTICS  
Seed IP Ref: 170154.401C1

Dear Babak:

Attached for your records is a copy of the Petition to Revive and Response to Office Action that were filed today in the USPTO with regard to the application identified above. Please note that we also submitted a Revocation of Power of Attorney With New Power of Attorney and Change of Correspondence Address with this filing. Please let me know if you have any questions.

Best regards,

-Frank



Petition to Revive\_  
Response t...